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Match Group, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,  
Plaintiff and Counter-Defendant,

vs.

APPLE INC.,  
Defendant and Counterclaimant.

IN RE APPLE iPhone ANTITRUST  
LITIGATION

DONALD R. CAMERON, et al.,

Plaintiffs,

vs.

APPLE INC.,  
Defendant.

Case No. 4:20-cv-05640-YGR  
Case No. 4:11-cv-06714-YGR  
Case No. 4:19-cv-03074-YGR

**DECLARATION OF ADRIAN ONG  
PURSUANT TO CIVIL LOCAL RULE 79-  
5(d)(1)(A) IN SUPPORT OF  
ADMINISTRATIVE MOTION TO SEAL  
DOCUMENTS AT TRIAL PURSUANT TO  
CIVIL LOCAL RULE 79-5(E)**

**DECLARATION OF ADRIAN ONG**

I, Adrian Ong, declare as follows:

1. I am Senior Vice President of Operations at Match Group, LLC, which is a subsidiary of Match Group, Inc. In my position, I work closely with the Tinder brand, which is a division of Match Group, LLC. Match Group, Inc., Match Group, LLC, and Tinder are non-parties in the three above-captioned actions, and for the purposes of this declaration, I shall refer to them collectively as “Match.”

2. I have been employed by Match since 2011. Through the course of my employment with Match, I have become familiar with Match’s treatment of proprietary business information, such as that discussed in this declaration. I make this declaration in support of Match’s Administrative Motion to Seal Documents at Trial Pursuant to Civil Local Rule 79-5(E) (“Motion to Seal”). I know the facts stated herein based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

3. Parties in this litigation have identified trial exhibits which implicate Match’s highly confidential business information. Specified portions of the exhibits should remain under seal for the reasons stated in this declaration.

4. I have reviewed Exhibit A to my declaration, designated as Exhibit DX-4139 by Apple. This document is a spreadsheet titled “Match,” with tabs titled “Downloads,” “Revenue,” “Unique Users,” and “iOS User Digital Products.” Match does not publicly disclose the percentage of app downloads on particular platforms, the amount of revenue that originates from particular platforms and advertising, the number of unique users who access the app on particular platforms, or the number of unique users who purchased digital products on particular platforms. Match considers these datapoints to be confidential and proprietary business information, which would give Match’s competitors insights into Match’s business. If a competitor gained access to this information, that competitor could use the information to reallocate marketing spend or to target markets where it perceives Match’s penetration to be lower. Releasing this information publicly could thus put Match at a competitive disadvantage relative to rival dating services that are able to keep this information private.

1           5. I have reviewed Exhibit B to my declaration, designated as Exhibit DX-4537 by  
2 Apple. This document is a chart titled “Tinder – Information Requests.” The last row of the chart  
3 shows the number of “Monthly active users (AVG US December 2020).” Tinder has never publicly  
4 disclosed how many monthly active users (“MAUs”) it has. Match considers these datapoints to be  
5 extremely confidential and proprietary business information, which would give Tinder’s competitors  
6 insights into Tinder’s business. Tinder is a dating app, and one of the key competitive differentiators  
7 among dating apps is the relative size of their networks—having a larger dating pool attracts new  
8 users to the app because they perceive a greater likelihood of finding a match, which in turn grows  
9 the dating pool. The size of a dating app’s network (as measured by MAUs) on different platforms  
10 and in different markets is a competitively significant datapoint because with that information, rival  
11 dating apps could better decide how to compete against the app which has its data disclosed. For  
12 example, if a rival app determined Tinder’s dating pool was shallower on a particular platform, then  
13 the rival app could reallocate spending to that platform to gain a competitive advantage. The  
14 competitive significance of the MAU datapoint is one of the reasons that dating sites in particular—  
15 and unlike apps in many other categories—very rarely publish their MAUs, and then generally at  
16 only a very high level.

17           6. Moreover, Tinder’s MAU data is considered a key performance indicator that, if  
18 disclosed, would likely drive increased speculation and trading of MTCH stock, especially given that  
19 it is a datapoint that has never been made public.

20           7. I have reviewed Exhibit C to my declaration, designated as Exhibit PX-0864 by Epic.  
21 This document is an email chain in which Match and Apple discuss Match’s revenue on iOS and  
22 Apple’s effect on Apple App Store discovery. Match considers these datapoints to be confidential  
23 and proprietary business information, which would give Tinder’s competitors insights into Tinder’s  
24 business that could place them at a competitive advantage. Once again, if a competitor gained access  
25 to this information, that competitor could use the information to reallocate marketing spend or to  
26 target markets where it perceives Tinder’s penetration to be lower, placing Tinder at a competitive  
27 disadvantage.  
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1           8.       I have reviewed Exhibit D to my declaration, designated as Exhibit PX-0865 by Epic.  
2 This document is an email thread between Match and Apple that includes the same Match email  
3 described in paragraph 7 above. For the reasons discussed in paragraph 7, Match considers the  
4 datapoints in that email to be confidential and proprietary business information, which would give  
5 Tinder's competitors insights into Tinder's business that could place them at a competitive  
6 advantage.

7           9.       I have reviewed Exhibit E to my declaration, designated as Exhibit PX-2122 by Epic.  
8 This document is an internal email thread from Apple that forwards the same Match email described  
9 in paragraph 7 above. For the reasons discussed in paragraph 7, Match considers the datapoints in  
10 that email to be confidential and proprietary business information, which would give Tinder's  
11 competitors insights into Tinder's business that could place them at a competitive advantage.

12          10.      I have reviewed Exhibit F to my declaration, designated as Exhibit PX-2237 by Epic.  
13 This document is an internal email thread from Apple that forwards the same Match email described  
14 in paragraph 7 above. That email thread also discusses the specifics of Tinder's revenue share  
15 arrangement with Google and the percentage of Tinder downloads in the App Store that result from  
16 a user searching directly for "Tinder" as opposed to more generic search terms. Match considers  
17 these datapoints to be confidential and proprietary business information. The details of Tinder's  
18 revenue share arrangement with Google is competitively sensitive information that could be used by  
19 other Tinder suppliers when negotiating against Tinder. The statistics relating to which search terms  
20 users use to find Tinder's app in the Apple App Store could be used by Tinder's competitors to refine  
21 their Apple App Store advertising strategies. Specifically, rivals could use this information to  
22 determine how much they are willing to bid on particular keywords in the Apple App Store.

23          11.      I have reviewed Exhibit G to my declaration, designated as Exhibit PX-2271 by Epic.  
24 This document is an internal email thread from Apple that forwards the same Match email described  
25 in paragraph 7 above. For the reasons discussed in paragraph 7, Match considers the datapoints in  
26 that email to be confidential and proprietary business information, which would give Tinder's  
27 competitors insights into Tinder's business that could place them at a competitive advantage.  
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1           12. I have reviewed Exhibit H to my declaration, designated as Exhibit PX-0863 by Epic.  
2 This document is a spreadsheet titled "Tinder," and shows the number of downloads and the direct  
3 revenue of Tinder on iOS and the Google Play Store from 2012 to 2020. Match does not publicly  
4 disclose the percentage of app downloads on particular platforms, the amount of revenue that  
5 originates from particular platforms and advertising, the number of unique users who access the app  
6 on particular platforms, or the number of unique users who purchased digital products on particular  
7 platforms. Match considers these datapoints to be confidential and proprietary business information,  
8 which would give Tinder's competitors insights into Tinder's business. If a competitor gained access  
9 to this information, that competitor could use the information to reallocate marketing spend or to  
10 target markets where it perceives Match's penetration to be lower. Releasing this information  
11 publicly could thus put Tinder at a competitive disadvantage relative to rival dating services that are  
12 able to keep this information private.

13           13. I declare under penalty of perjury of the laws of the United States of America that the  
14 foregoing is true and correct. This declaration was executed this 29th day of April 2021, in Dallas,  
15 Texas.

DocuSigned by:  
*Adrian Ong*  
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ADRIAN ONG